

EXHIBIT 1



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Transcript of Dr. Matthew J.A. Wood

Date: September 19, 2024

Case: Nippon Shinyaku Co., Ltd. -v- Sarepta Therapeutics, Inc.

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1 IN THE UNITED STATES DISTRICT COURT
2
3 DISTRICT OF DELAWARE

4 - - - - - x
5 NIPPON SHINYAKU CO., :
6 LTD., :
7 Plaintiff, : C.A. No. 21-1015 (JLH)
8 :
9 v. :
10 :
11 SAREPTA THERAPEUTICS, :
12 INC., :
13 :
14 Defendant. :
15 - - - - - x
16 SAREPTA THERAPEUTICS, :
17 INC. and THE :
18 UNIVERSITY OF WESTERN :
19 AUSTRALIA, Defendant :
20 and Counter-Plaintiff :
21 :
22 v. :
23 :
24 NIPPON SHINYAKU CO., :
25 LTD. and NS PHARMA, :
INC., Plaintiff and :
Counter-Defendants. :
26

17 [REDACTED]
18 DR. MATTHEW J.A. WOOD

19 Chicago, Illinois

20 Thursday, September 19, 2023

21 9:01 a.m.

22
23 Job No.: 545432

24 Pages: 1 - 132

25 Reported By: Cynthia J. Conforti

Transcript of Dr. Matthew J.A. Wood

Conducted on September 19, 2024

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1 Deposition of DR. MATTHEW J.A. WOOD, held at
2 the offices of:

3
4
5 MORGAN LEWIS & BOCKIUS LLP
6 110 North Wacker Drive
7 Chicago, Illinois 60606
8 312.324.1000

9
10
11
12
13 Pursuant to agreement, before Cynthia J.
14 Conforti, Notary Public in and for the County of
15 Cook.

16
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18
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21
22
23
24
25

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1 A P P E A R A N C E S
2

3 ON BEHALF OF PLAINTIFF and COUNTER-DEFENDANTS
4

NIPPON SHINYAKU CO., LTD., NS PHARMA, INC and the

5 WITNESS:

6 SHON LO, ESQUIRE

7 ALLISON PATITUCCI, ESQUIRE

8 MORGAN LEWIS & BOCKIUS LLP

9 110 North Wacker Drive

10 Chicago, Illinois 60601

11 312.324.1000

12 DAVID L. SHRADER, ESQUIRE

13 (Florida office)

15 ON BEHALF OF THE DEFENDANT and

16 COUNTER-PLAINTIFFS:

17 DAVID P. FRAZIER, ESQ.

18 LATHAM & WATKINS LLP

19 555 Eleventh Street, NW

20 Suite 1000

21 Washington, DC 20004-1304

22 202.637.2200

24 ALSO PRESENT:

25 Richard Figueroa, Videographer

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1 P R O C E E D I N G S

2 (Exhibit 101 is marked for
3 identification.)

4 THE VIDEOGRAPHER: Here begins Media No. 1
5 in the videotaped deposition of Dr. Matthew Wood
6 in the matter of Nippon Shinyaku Co., Ltd. vs.
7 Sarepta Therapeutics, Inc. in the United States
8 District Court for the District of Delaware, Case
9 Number C.A. No. 1-1015 (LPS).

10 Today's date is September 19, 2024. The
11 time on the video monitor is 9:08 a.m. The
12 videographer today is Richard Figueroa
13 representing Planet Depos.

14 This video deposition is taking place at
15 110 North Wacker Drive, Chicago, Illinois 60601.

16 Would counsel please voice identify
17 themselves and state who they represent.

18 MR. FRAZIER: David Frazier from Latham &
19 Watkins for Sarepta.

20 MS. LO: This is Shon Lo from Morgan,
21 Lewis on behalf of Nippon Shinyaku and the
22 witness. And also with me I have my colleagues,
23 Alison Patitucci and David Shrader.

24 THE VIDEOGRAPHER: The court reporter
25 today is Cynthia Conforti representing Planet

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1	Depos. The witness will now be sworn.	09:09:37
2	(Witness sworn.)	09:09:37
3	DR. MATTHEW J.A. WOOD,	09:09:37
4	having been duly sworn, was examined and testified	09:09:37
5	as follows:	09:09:37
6	EXAMINATION	09:09:38
7	BY MR. FRAZIER:	09:09:38
8	Q Good morning, Dr. Wood.	09:09:39
9	A Good morning.	09:09:40
10	Q You've been deposed in this case before?	09:09:41
11	A Yes, I have.	09:09:43
12	Q In November of 2023, does that sound	09:09:44
13	right?	09:09:46
14	A That's correct, yes.	09:09:46
15	Q Okay. And so let me just go over a couple	09:09:47
16	of things briefly, logistics. You understand	09:09:48
17	we're on an audio record, so it's important that	09:09:52
18	we not speak at the same time so --	09:09:54
19	A I do.	09:09:56
20	Q So if you let me finish my questions and	09:09:56
21	try not to jump in, I'll do the same for you, all	09:09:59
22	right?	09:10:03
23	A [Nonverbal response.]	09:10:03
24	Q All right. Okay. Then, also, you	09:10:04
25	understand that you're not to speak with your	09:10:07

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1	Q And a morpholino is also a structural	09:40:13
2	requirement, correct?	09:40:18
3	A It is.	09:40:18
4	Q You agree that the claim itself does not	09:40:19
5	say anything about using modified nucleobases,	09:40:21
6	correct?	09:40:29
7	A But it does not exclude them.	09:40:29
8	Q All right. And so just to get a clear	09:40:33
9	answer to my question, you agree that the claim	09:40:35
10	does not say anything about modified nucleobases?	09:40:39
11	A I agree, but because it -- they're not	09:40:44
12	specifically excluded, then one must interpret the	09:40:47
13	claim as including them.	09:40:49
14	Q And likewise, the claim does not recite	09:40:51
15	anything about being conjugated or attached in any	09:40:53
16	way to other moieties, correct?	09:40:59
17	A That's correct. But it doesn't	09:41:02
18	specifically exclude such moieties.	09:41:05
19	Q And then, finally, you agree that the	09:41:09
20	claim does not recite any internucleoside	09:41:12
21	linkages, correct?	09:41:19
22	A That's correct, but it does not exclude	09:41:20
23	variations on those types of linkages.	09:41:22
24	Q Well, you agree that the term "morpholino"	09:41:27
25	is used interchangeably with the term "PMO" which	09:41:33

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1	does in fact fix particular internucleoside	09:41:40
2	linkages, correct?	09:41:43
3	MS. LO: Objection to form.	09:41:44
4	THE WITNESS: I said that they're used	09:41:46
5	interchangeably in a colloquial sense. In a	09:41:47
6	strictly and precise scientific sense, they're not	09:41:47
7	interchangeable. Morpholino refers to compounds	09:41:51
8	with a morpholino ring of which PMO is one type.	09:41:55
9	BY MR. FRAZIER:	09:42:17
10	Q Now, you're not offering opinions	09:42:17
11	concerning the validity of the '851 patent,	09:42:19
12	correct?	09:42:21
13	A That's correct.	09:42:21
14	Q You're not offering any opinions on the	09:42:22
15	written description requirement, correct?	09:42:25
16	A That's correct.	09:42:26
17	Q And you're not offering any opinions on	09:42:27
18	the enablement requirement?	09:42:29
19	A Correct.	09:42:31
20	Q So you have no view one way or another	09:42:33
21	that you're planning to offer in this case about	09:42:35
22	the validity of the '851 patent, correct?	09:42:38
23	A I haven't a view at all. I haven't -- I	09:42:41
24	haven't considered it.	09:42:44
25	Q You haven't considered the issue of the	09:42:45

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1	BY MR. FRAZIER:	12:54:43
2	Q You may still proceed.	12:54:43
3	A Yeah, I think the scientifically precise	12:54:45
4	definition of a morpholino is a compound with a	12:54:49
5	morpholino ring.	12:54:55
6	Q But you understand what's put forth here	12:54:57
7	in paragraph 111 and specifically this figure on	12:54:59
8	page 40 to be illustrating a phosphoramidate	12:55:03
9	linkage, in other words, a PMO?	12:55:08
10	A Which is a type of --	12:55:09
11	MS. LO: Objection -- oh, sorry. Same	12:55:11
12	objections.	12:55:14
13	THE WITNESS: Which is a type of	12:55:14
14	morpholino.	12:55:15
15	BY MR. FRAZIER:	12:55:16
16	Q Right. And here it's just described as a	12:55:17
17	morpholino, right?	12:55:19
18	MS. LO: Objection, asked and answered.	12:55:20
19	THE WITNESS: Well, the context is a	12:55:25
20	morpholino is a compound that contains a	12:55:27
21	morpholine ring of which this is one type.	12:55:30
22	BY MR. FRAZIER:	12:55:33
23	Q And the title on the figure illustrates a	12:55:33
24	phosphoramidate and describes it as a morpholino,	12:55:39
25	correct?	12:55:43

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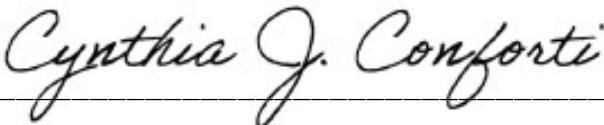
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1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2
3 I, Cynthia J. Conforti, Certified
4 Shorthand Reporter No. 084-003064, CSR, CRR, and a
5 Notary Public in and for the County of Cook, State
6 of Illinois, the officer before whom the
7 foregoing deposition was taken, do hereby certify
8 that the foregoing transcript is a true and
9 correct record of the testimony given; that said
10 testimony was taken by me stenographically and
11 thereafter reduced to typewriting under my
12 direction; that reading and signing was requested;
13 and that I am neither counsel for, related to, nor
14 employed by any of the parties to this case and
15 have no interest, financial or otherwise, in its
16 outcome.

17 IN WITNESS WHEREOF, I have hereunto set my
18 hand and affixed my notarial seal this 23rd day of
19 September, 2024.

20
21 My commission expires: January 4, 2028

22 
23 _____

24 Notary Public in and for the
25 State of Illinois

No. 545432

Re: Deposition of Dr. Matthew J.A. Wood
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Page	Line	Correction/Change	Reason
22	1	'I'm' should read as 'It's'	Mistranscription
24	6	'I.' should read 'I do'	Mistranscription
25	5	'oligonucleotides +39 to +69' should read 'oligonucleotide +39 to +69'	Misspelling
27	9	'It's impossible to determine whether is' should read 'It's impossible to determine whether there'	Mistranscription
31	8	'with a morpholino ring of which PMO is one type' should read 'with a morpholine ring of which PMO is one type'	Misspelling
36	9	'that I was doing was in an interview in this case' should read 'that I was doing was in an interference case'	Mistranscription
57	9	'included group Dr. Dickson' should read 'group included Dr. Dickson'	Mistranscription
57	16	'it was the Wilkin Trust, which is a foundation in' should read 'it was the Wellcome Trust, which is a foundation in'	Mistranscription
66	24	'Well, to practice full scale with the' should read 'Well, to practice the full scope of the'	Mistranscription
79	21	'it's debatable as to whether that archetype really' should read 'it's debatable as to whether that compound really'	Mistranscription
84	17	'that this relates to the Watanabee 318 PCT' should read 'that this relates to the Watanabe 318 PCT'	Misspelling
84	20	'that were reported in the Watanabee PCT 318' should read 'that were reported in the Watanabe PCT 318'	Misspelling
84	23	'And the Watanabee PCT 318, you understand,' should read 'And the Watanabe PCT 318, you understand,'	Misspelling
94	3	'Well, they hadn't arrived at a prior' should read 'Well, they hadn't used a prior'	Mistranscription
121	5	'morpholino ring.' should read 'morpholine ring.'	Misspelling

October 1, 2024

(Date)



(Signature)

Re: Deposition of **Dr. Matthew J.A. Wood**

Date: 9/19/2024

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ACKNOWLEDGMENT OF DEPONENT

I, Dr. Matthew J.A. Wood, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

October 1, 2024

(Date)

(Signature)